



March 27, 2009

ENGROSSED HOUSE BILL No. 1089

DIGEST OF HB 1089 (Updated March 24, 2009 11:46 am - DI 71)

Citations Affected: IC 5-2.

Synopsis: Heimlich maneuver and CPR continuing education. Requires the continuing education program of a city, town, and county law enforcement agency to include training in cardiopulmonary resuscitation (CPR) and the Heimlich maneuver.

Effective: July 1, 2009.

**Duncan, Tincher, Brown C,
Cheatham**

(SENATE SPONSORS — DILLON, SIPES, LEISING)

January 7, 2009, read first time and referred to Committee on Public Health.
January 27, 2009, reported — Do Pass.
February 5, 2009, read second time, ordered engrossed. Engrossed.
February 9, 2009, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 19, 2009, read first time and referred to Committee on Homeland Security,
Transportation and Veterans Affairs.
March 26, 2009, reported favorably — Do Pass.

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EH 1089—LS 6918/DI 87+



March 27, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1089

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-8-1, AS AMENDED BY P.L.132-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 1. (a) The following definitions apply in this
4 section:

5 (1) "Abuse" means:

6 (A) conduct that causes bodily injury (as defined in
7 IC 35-41-1-4) or damage to property; or

8 (B) a threat of conduct that would cause bodily injury (as
9 defined in IC 35-41-1-4) or damage to property.

10 (2) "County law enforcement agency" includes:

11 (A) postsecondary educational institution police officers
12 appointed under IC 21-17-5 or IC 21-39-4; and

13 (B) school corporation police officers appointed under
14 IC 20-26-16.

15 (b) There is established in each county a county law enforcement
16 continuing education program. The program is funded by amounts
17 appropriated under IC 33-37-8-6.

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(c) A county law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
 - (A) minimize the likelihood of injury to the law enforcement officer; and
 - (B) promote the safety of a victim.
- (4) Information about the nature and extent of abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.

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(9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(18) Performing cardiopulmonary resuscitation and the Heimlich maneuver.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 2. IC 5-2-8-2, AS AMENDED BY P.L.132-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The following definitions apply in this section:

(1) "Abuse" has the meaning set forth in section 1(a) of this chapter.

(2) "City or town law enforcement agency" includes:

(A) postsecondary educational institution police officers appointed under IC 21-17-5 or IC 21-39-4; and

(B) school corporation police officers appointed under IC 20-26-16.

(b) There is established in each city and in each town with a city or town court a local law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 and fees collected under IC 9-29-4-2, IC 9-29-11-1, and IC 35-47-2-3.

(c) A city or town law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the local law enforcement continuing education fund.

(d) Distribution of money in a local law enforcement continuing education fund shall be made to a city or town law enforcement agency without the necessity of first obtaining an appropriation from the fiscal

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1 body of the city or town.

2 (e) To make a claim under IC 33-37-8-4, a law enforcement agency
3 shall submit to the fiscal body a verified statement of cause numbers
4 for fees collected that are attributable to the law enforcement efforts of
5 that agency.

6 (f) A city or town law enforcement agency shall provide to each law
7 enforcement officer employed by the city or town law enforcement
8 agency continuing education concerning the following:

9 (1) Duties of a law enforcement officer in enforcing restraining
10 orders, protective orders, temporary injunctions, and permanent
11 injunctions involving abuse.

12 (2) Guidelines for making felony and misdemeanor arrests in
13 cases involving abuse.

14 (3) Techniques for handling incidents of abuse that:

15 (A) minimize the likelihood of injury to the law enforcement
16 officer; and

17 (B) promote the safety of a victim.

18 (4) Information about the nature and extent of abuse.

19 (5) Information about the legal rights of and remedies available
20 to victims of abuse.

21 (6) How to document and collect evidence in an abuse case.

22 (7) The legal consequences of abuse.

23 (8) The impact on children of law enforcement intervention in
24 abuse cases.

25 (9) Services and facilities available to victims of abuse and
26 abusers.

27 (10) Verification of restraining orders, protective orders,
28 temporary injunctions, and permanent injunctions.

29 (11) Policies concerning arrest or release of suspects in abuse
30 cases.

31 (12) Emergency assistance to victims of abuse and criminal
32 justice options for victims of abuse.

33 (13) Landlord-tenant concerns in abuse cases.

34 (14) The taking of an abused child into protective custody.

35 (15) Assessment of a situation in which the child may be seriously
36 endangered if the child is left in the child's home.

37 (16) Assessment of a situation involving an endangered adult (as
38 defined in IC 12-10-3-2).

39 (17) Response to a sudden, unexpected infant death.

40 **(18) Performing cardiopulmonary resuscitation and the**
41 **Heimlich maneuver.**

42 (g) A city or town law enforcement agency may enter into an

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- 1 agreement with other county, city, or town law enforcement agencies
- 2 to provide the continuing education required by this section and section
- 3 1(h) of this chapter.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1089, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 8, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1089, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1089 as printed January 28, 2009.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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